REMARKS/ARGUMENTS

The Examiner has delineated the following inventions as being patentably distinct.

Group I, Claim(s) 1-3, 6-7, drawn to a crosslinked cationic polymer preparable by the cationic or cationogenic vinyl group-containing monomer N-vinylimidazole of formula I.

Group II, Claim(s) 1-2, 4, 6-7, drawn to drawn to a crosslinked cationic polymer preparable by the cationic or cationogenic vinyl group-containing monomer diallylamine derivative of formula II.

Group III, Claim(s) 1-2, 5-7, drawn to a crosslinked cationic polymer preparable by the cationic or cationogenic vinyl group-containing monomer of at least one dialkylaminoalkyl(meth)acrylamide and dialkylaminoalkyl(meth)acrylate of formula III.

Applicants provisionally elect, with traverse, Group I, Claims 1-3, 6-7, that comprises vinyl imidazole copolymers of formula I.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. 803). The burden of proof is on the Examiner to provide reasons and/or examples to support any conclusions in regard to patentable distinction (M.P.E.P. 803). Moreover, when making a lack of unity of invention in a national stage application, the Examiner has the burden of explaining why each group lacks unity with each other group (i.e. why there is no single inventive concept) specifically describing the unique special technical feature in each group (M.P.E.P. 1893.03(d)). Applicants respectfully traverse the restriction requirement on the grounds that the Examiner has not carried the burden of providing any reason and/or examples to support any conclusions that the claims of the restricted groups are patentably distinct, or providing any reasons and/or examples to support any conclusions that

the groups lack unity of invention. The Examiner, cited (WO 96/37525) to support his arguments. WO 96/37525 reports polymers that are synthesized by solution polymerization (see WO 96/37525 page 10, line 39 to page 11, line 2) whereas the polymers of the instant invention are synthesized by water-in-water emulsion polymerization, consequently the polymers of WO 96/37525 are different from those of the instantly claimed invention.

The Examiner asserts that Groups I-III do not relate to a single general inventive concept under PCT Rules 13.1 and 13.2 because they lack the same corresponding special technical feature.

The Examiner, however, has not considered that the claims in each group are considered related inventions under 37 C.F.R. 1.475(b) in which the inventions are considered to have unity of invention. Applicants submit that while PCT Rules 13.1 and 13.2 are applicable, 37 C.F.R. 1.475(b) provides, in relevant part, that "a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn to . . . (3) a product, process specially adopted for the manufacture of said product, and use of said product." In the case of the instant application, Claims 1-7 are directed to crosslinked cationic polymers.

Moreover, Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. As the Office has not shown any evidence that a restriction requirement should be required when the International Preliminary Examination Report did not, restriction is believed to be improper.

For the reasons set forth above, Applicants request that the Restriction Requirement be withdrawn.

Applicants request that if the invention of Group I is found allowable, withdrawn Groups II and III which include all the limitations of the allowable claims be rejoined M.P.E.P. 821.04.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits and an early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Paul J. Killos
Registration No. 58,014

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413-2220
(OSMMN 06/04)